

m-f



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,872	11/28/2001	Tsunehiro Tsukada	35.G2941	9796

5514 7590 08/24/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

HANG, VU B

ART UNIT	PAPER NUMBER
----------	--------------

2625

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/994,872	Applicant(s) TSUKADA, TSUNEHIRO	
	Examiner Vu B. Hang	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/28/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This office action is responsive to the following communication: Amendment filed on 06/12/2006.
- Claims 16-20 have been cancelled. Claims 1-15 and 21-30 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasansky et al. (US Patent 5,960,406) in view of Vidyanand (US Patent 6,330,071 B1).

Regarding **Claims 1, 3, 6, 8, 11 and 13**, Rasansky discloses an information processing apparatus (see Fig. 9, Col.1, Line 54-65 and Col.8, line 7-16), comprising:

a displaying unit adapted to display a display screen on an external apparatus (see Fig1 A (20 and Col.2, Line 26-32);

a selection unit adapted to select a predetermined record of variable data in accordance with a selection via the display screen (see Fig.1E (140,190,320) and Fig.17 B), wherein the displaying unit displays a preview by using the predetermined record of variable data selected by the selecting unit (see Fig7 (960), Fig.17A and Fig.17D);

a generation unit adapted to generate, in response to a request from the external apparatus, print data corresponding to the preview displayed on the external apparatus (see Fig.7 (950), Col.2, Line 8-13 and Col.8, Line 7-16); and

an obtaining unit adapted to obtain instructions for printing via the display screen (see Fig.7, Col.2, Line 8-13 and Col.8, Line 7-16).

Rasansky fails to disclose a transmission control unit adapted to control the transmission of the print data to a print server in response to the obtaining unit. Vidyanand, however, discloses a transmission control unit adapted to control transmission so that the print data generated by the generation unit is transmitted to a print server (see Fig.14 (1403), Col.6, Line 26-33 and Col.6, Line 46-47).

Rasansky and Vidyanand are combinable because they are from the same field of endeavor, namely variable data print processing apparatuses. At the time of the invention, it would have been obvious for one skilled in the art to use Vidyanand's transmission control unit to control the transmission of the print data to a print server in response to the obtaining unit. The motivation would be to send and queue to the customized print data across the network for printing at the select printing units.

Regarding **Claims 2, 7 and 12**, Rasansky further discloses a specification unit adapted to specify a template for generating the print data and data to be inserted into the template (see Fig.2B and Fig.3 (480,500,520)), wherein the generation unit generates the print data based on the template and the data specified by the specification unit (see Fig.7 (950), Col.2, Line 8-13 and Col.8, Line 7-16).

Claims 4-5, 9-10 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasansky et al. (US Patent 5,960,406) in view of Vidyanand (US Patent 6,330,071 B1), and in further view of Levine et al. (US Patent 6,020,973).

Regarding **Claims 4, 9 and 14**, Vidyanand further discloses that the transmission control unit controls the transmission so that the print data and information designating the printer determined by the determination unit is transmitted (see Fig.14 (1403), Col.6, Line 26-33 and Col.6, Line 46-47). Rasansky and Vidyanand fail to expressly disclose a determination unit to determine when the print server can transmit data to a plurality of printers. Levine, however, discloses a determination unit (see Fig.5 (206, 208)) to determine, when the print server can transmit data to a plurality of printers, which printer is to be used to perform printing by analyzing the request from the external apparatus (see Col.5, Line 15-26, Col.8, Line 43-63 and Col.10, Line 51-62).

Rasansky, Vidyanand and Levine are combinable because they from the same field of endeavor, namely variable data print processing apparatuses. At the time of the invention, it would have been obvious for one skilled in the art to include a determination unit to determine, when the print server can transmit data to a plurality of printers, which printer is to be used to perform printing by analyzing the request from the external apparatus. The motivation for doing so would be to enable the information processing apparatus to determine and choose the best available printers in the apparatus. Printers in a network environment could have different capabilities and availability statuses. Therefore, it is necessary to determine the best available printers in the network to carry out the printing operation in accordance to the print data.

Regarding **Claims 5, 10 and 15**, Rasansky and Vidyanand disclose the information processing apparatus of Claim 1 above but fail to expressly disclose an obtaining unit adapted to obtain the status information on the plurality of printers and a selection control unit to prohibit the selection of unusable printers. Levine, however, discloses an obtaining unit adapted to obtain, when the printer can transmit to plurality of printers, status information on a plurality of printers (see Fig.5 (208) and Col.11, Line 1-8) and a selection control unit to select a plurality of printers (see Col.5, line 26-29).

Rasansky, Vidyanand and Levine are combinable because they from the same field of endeavor, namely variable data print processing apparatuses. At the time of the invention, it would have been obvious for one skilled in the art to include to the selection control unit a means for prohibiting the selection of unusable printers in the apparatus based on the obtained status information. The motivation for doing so would be to ensure that the best available printers in the apparatus are selected to carry out the printing operations in accordance to the print data.

Claims 21-25 recite identical features as Claims 1-5 except Claim 21-25 are in a form of a computer readable recording medium. Thus, arguments similar to that presented above for Claims 1-5 are equally applicable to Claim 21-25 because without a computer readable recording medium to store a program that makes it possible for the apparatus to operate, the apparatus described in Claims 1-5 could not function.

Claims 26-30 recite identical features as Claims 1-5 except Claim 26-30 are in a form of a computer-executable program stored on a computer readable medium. Thus, arguments similar to that presented above for Claims 1-5 are equally applicable to Claim 26-30 because without a

Art Unit: 2625

computer-executable program stored on a computer readable recording medium that makes it possible for the apparatus to operate, the apparatus described in Claims 1-5 could not function.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

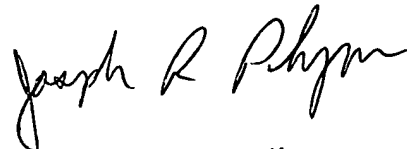
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu B. Hang whose telephone number is (571) 272-0582. The examiner can normally be reached on Monday-Friday, 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vu Hang
Assistant Examiner



JOSEPH R. POKRZYWA
PRIMARY EXAMINER